

**Notice to Licensed Drivers or  
Owners of Motor Vehicles In Florida**

**A Proposed Class Action Settlement May Affect Your Rights**

*A federal court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.*

- There is a Proposed Settlement in a class action lawsuit that claims certain individuals violated the Driver's Privacy Protection Act ("DPPA"), and Title 42 U.S.C. §1983 ("Title 42").
- The DPPA regulates how persons may obtain, use or disclose information like a name, address or driver's license number in records kept by Departments of Motor Vehicles. The Defendants that were sued don't think they've done anything wrong.
- You are included in the Proposed Settlement if you held a driver's license, motor vehicle registration, or identification card issued by the Florida Department of Highway Safety and Motor Vehicles ("DHSMV") at any time from June 1, 2000 to September 30, 2004.
- **Whether you act or not, your legal rights are affected by the Proposed Settlement. Your rights and options – and the deadlines to exercise them – are explained in this notice. Please read this notice carefully in its entirety.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS PROPOSED SETTLEMENT:</b>		
<b>YOUR RIGHTS AND OPTIONS</b>	<b>WHAT THEY MEAN</b>	<b>DEADLINES</b>
<b>OBJECT</b>	Write to the Clerk of the Court about why you don't like the Proposed Settlement. The name and address of the Clerk of the Court is set forth in Paragraph 14 of this Notice. To find out how to object, please read Paragraph 14.	Postmarked on or before <b>March 16, 2009</b> .
<b>GO TO A HEARING</b>	Write to the Clerk of the Court and ask to speak in Court about the fairness of the Proposed Settlement. For more information, please read Paragraphs 14-17.	Postmarked on or before <b>March 23, 2009</b> .
<b>DO NOTHING</b>	You are not required to take any action to receive the benefits of the Proposed Settlement. If the Proposed Settlement is finally approved, you will be bound by the Court's Final Order and the release of claims explained in the Settlement Agreement.	None

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## BASIC INFORMATION

### 1. Does this Notice apply to me?

If you held a driver's license, a motor vehicle registration, or an identification card issued by DHSMV at any time from June 1, 2000 to September 30, 2004, you are a member of the Settlement Class.

This notice informs you about the Proposed Settlement and your rights. The Proposed Settlement will be finally approved after any objections or appeals are resolved. If the Proposed Settlement is finally approved, you will benefit from the relief provided by the Proposed Settlement. Once the Proposed Settlement is final, you will also be bound by the release and other provisions of the Proposed Settlement.

This notice is only a summary of the Proposed Settlement. More details about the Proposed Settlement, the Effective Date, the deadlines, and your options are available in a longer document called the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting [www.flhsmv.gov/ddl/DPPAInfo.html](http://www.flhsmv.gov/ddl/DPPAInfo.html)

The lawsuit is known as *Collier, et al. v. Dickinson, et al.*, No. 04-21351-CIV-MARTINEZ-BROWN. It is pending in the United States District Court for the Southern District of Florida, and Judge Jose E. Martinez is in charge of this lawsuit. The people who sued are called "Plaintiffs." The individuals they sued are called "Defendants." The individuals that have agreed to settle this lawsuit are called "Defendants".

The Defendants are Fred O. Dickinson, III, Carl A. Ford and Sandra Lambert.

### 2. What is this lawsuit about?

Plaintiffs claim that Defendants disclosed Personal Information and Highly Restricted Personal Information from motor vehicle records in violation of the DPPA. The Defendants deny that they did anything wrong.

After years of litigation, the Court ordered the parties to try to work out their differences. As a result, the parties agreed to this Proposed Settlement to avoid the costs and risks of trial.

### 3. Why is this a class action?

Class actions seek to bring similar claims of people in one case in one Court. In a class action, the plaintiffs who bring the case are called "Class Representatives" or "Named Plaintiffs." They have their names listed in the title of the case. They sue on behalf of people who have similar claims—called the "Class" or "Class Members" which in this case may include you. The Class Representatives filed this case as a proposed class action. When the parties reached this Proposed Settlement, the Court had not decided whether the case could go forward as a class action.

As part of the Proposed Settlement, the Defendants agreed to allow the case to be a class action under Federal Rule of Civil Procedure 23(b)(2), but only for settlement purposes. The Court conditionally certified a class for settlement purposes only, under Rule 23(b)(2). If the Proposed Settlement is not finally approved, then this case will no longer be a class action.

#### **4. Why is there a Proposed Settlement?**

The Court has not decided which side is right or wrong in this case. Instead, both sides agreed to a class-action settlement to avoid the costs and risks of a lengthy trial and appeals process.

In March, 2008, the Court ordered the parties to participate in mediation. This is a formal way people get together to see if they can resolve things with the help of a court-approved professional, called a “mediator.” An experienced mediator conducted many lengthy sessions with the parties. The negotiations were difficult and intense, and often heated. The Class Representatives and the lawyers representing the Class think the Proposed Settlement is best for all Class Members. The Court in charge of this lawsuit has granted preliminary approval of this Proposed Settlement, and ordered this notice be published to explain it.

### **WHO IS IN THE PROPOSED SETTLEMENT**

#### **5. How do I know if I am part of the Proposed Settlement?**

You’re covered under the Settlement if you held a driver’s license, a motor vehicle registration, or an identification card issued by DHSMV at any time between June 1, 2000, to September 30, 2004. The Court has decided that everyone who fits the following description is a Class Member:

All natural persons who held a Florida driver’s license, identification card or motor vehicle registration at any time between June 1, 2000 and September 30, 2004.

"Personal Information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, originating from a motor vehicle record. It does not include information on vehicular accidents, driving violations, and driver's status.

"Highly Restricted Personal Information" means an individual's photograph or image, social security number, medical, or disability information, originating from a motor vehicle record.

"Final Order" is the date when the Court issues an order finally approving the Settlement Agreement.

#### **6. Are there exceptions to being included?**

No, there are no exceptions from being included in the Settlement Class. You are not permitted to opt out of the Proposed Settlement

#### **7. I'm still not sure if I am included.**

If you are still not sure whether you are included in the Class, you can visit [www.flhsmv.gov/ddl/DPPAInfo.html](http://www.flhsmv.gov/ddl/DPPAInfo.html) for more information.

## THE PROPOSED SETTLEMENT BENEFITS

### 8. What benefits does the Proposed Settlement provide?

The Proposed Settlement benefits for Class Members fall under the category of “equitable relief.” The Settlement Agreement provides that the court will enter a Final Order which requires the Defendants and Florida Department of Highway Safety and Motor Vehicles (“DHSMV”) at their expense to design, implement, and maintain specific, substantial written policies and procedures to enhance security measures, privacy protections, and compliance with the DPPA when they obtain, use, and disclose Personal Information and Highly Restricted Personal Information from motor vehicle records. All Class Members will receive the benefit of these valuable enhancements. The Defendants and DHSMV have agreed to provide equitable relief and monetary credit incidental to the equitable relief as follows:

1. **Equitable Relief.** This means that the Defendants have elicited and have obtained the agreement of the Florida Department of Highway Safety and Motor Vehicles (“DHSMV”) to implement the following equitable relief:

(A) **Transparency.**

(1) The DHSMV will print a statement on Florida driver license ("DL") and Florida motor vehicle registration ("DMV") renewal notices and on GoRenew.com that refers the recipients of such renewal notices to a webpage which specifically addresses Florida and federal DPPA law and policies (the "DPPA webpage"). The DHSMV will also post similar information in DHSMV offices visited by the public.

(2) Within the DPPA website the DHSMV will create a link to its public records request webpage that will include information for obtaining the name and address of those companies that, and persons who, have purchased DPPA-protected information ("DPI") under a DPPA exemption, including authorized re-sellers, along with a description of the records requested and the DPPA exemption under which the records were requested and provided. There will be a notation on the DPPA webpage that explains the DHSMV is unable to determine which individual records were contained in these disclosures of DPI by the DHSMV to third parties.

(3) The DHSMV will create a webpage that the public will be referred to in ¶1(A)(1) above (*i.e.*, the DPPA website), which will be dedicated to and set forth applicable federal and Florida law and policies pertaining to the DPPA. This website will include a link to the public records request described in ¶1(A)(2) above.

(B) **Personnel Training.** The DHSMV shall prepare and implement written DPPA policies and procedures, to be followed by training in DPPA compliance, for DHSMV personnel tasked with responding to requests from third parties for DPI.

(C) **Customer Credentialing.** The DHSMV will modify form HSMV 85054 and each of its memoranda of understanding with resellers of DPI to require the requestor of DPI to the state intended use of such DPI, under penalty of perjury, as well as affirmative statements that such DPI will only be used for DPPA-permitted purposes.

(D) **Adherence to Requirements of DPPA.** The Defendants shall not knowingly obtain, disclose, or use Personal information from DHSMV motor vehicle records for purposes not permitted by the DPPA.

2. **Monetary Relief.** The DHSMV will provide a \$1.00 credit to each Class Member who registers, or renews the registration of a motor vehicle with DHSMV between July 1, 2009 and June 30, 2010, inclusive. Each Class Member shall be entitled to only one \$1.00 credit regardless of the number of motor vehicles he or she registers during the applicable period. If a Class Member registers or renews the registration on more than one motor vehicle during the applicable period, the \$1.00 credit shall be applied to the first of such motor vehicles so registered.

3. **Expense of Relief.** Parties agree that the injunctive relief called for in this Agreement is of substantial, calculable value and benefit to the Class. The DHSMV shall bear any and all costs associated with its compliance with the Relief called for under this Agreement.

Defendants and DHSMV have agreed to pay all costs associated with: publishing this notice; adopting enhanced privacy protections; administering the Settlement; and paying an incentive award to the Class Representatives, and paying Plaintiffs' lawyers for their attorneys' fees, up to a given amount.

No Class Member will have to pay or buy anything to benefit from the relief procedures provided by the Settlement.

## **9. When will the Proposed Settlement go into effect?**

The Court will hold a final approval hearing on **April 15, 2009, at 10:30 a.m.**, to decide whether to approve the Proposed Settlement. Even if the Court approves the Proposed Settlement, there could be appeals. The time for an appeal varies, and could take more than a year.

The Effective Date is the date when all appeals are completed, and the Proposed Settlement becomes final.

The Proposed Settlement will go into effect upon final approval by the Court and all objection and appeal periods becoming final.

## **10. How does the Proposed Settlement affect my rights?**

In general terms, if the Proposed Settlement is finally approved by the Court, you will be giving up the right to file a similar lawsuit against any of the Defendants. This means you cannot seek equitable relief, statutory liquidated damages, or punitive damages based on any of the Defendants disclosing your DPPA-Regulated Personal Information or Highly Restricted Personal Information in violation of the DPPA. You will be giving up all such claims, whether or not you know about them. You also will be giving up the right to bring another class action about the claims in this case, or claims that could have been brought in this case.

You will, however, still have the right to file an individual lawsuit against any of the Defendants for any actual money damages that you may claim resulted from any Defendants disclosing your Personal Information or Highly Restricted Personal Information in violation of the DPPA. The precise terms of the dismissal and release are explained in ¶12 of the Settlement Agreement, which you can view on the Class Settlement webpage, [www.flhsmv.gov/ddl/DPPAInfo.html](http://www.flhsmv.gov/ddl/DPPAInfo.html).

The Court's order will apply to you even if you objected or have any other claim, lawsuit, or proceeding pending against any of the Defendants. If you have any questions about the release, you should visit [www.flhsmv.gov/ddl/DPPAInfo.html](http://www.flhsmv.gov/ddl/DPPAInfo.html) for more information, or consult with a lawyer.

#### **11. Can I choose not to be in the Proposed Settlement?**

No. The Proposed Settlement calls for the Defendants and DHSMV to implement procedures for enhancing compliance with the DPPA in a way that benefits all Class Members equally. As explained above, this type of remedy is “injunctive”. Therefore, under this type of class action, you cannot exclude yourself from the Settlement Class or this Proposed Settlement.

But, as explained above, you still have the right to file an individual lawsuit against any of the Defendants for any actual money damages that you can show are due.

### **THE LAWYERS REPRESENTING YOU**

#### **12. Do I have a lawyer in this case?**

Yes. The Court approved the following individuals to represent you and other Class Members:

- Tod Aronovitz of Aronovitz Jaffe, in Miami, Florida;
- Lawrence D. Goodman and John Devine, of Devine Goodman Pallot Rasco & Wells, P.A., in Miami, Florida;
- Joel S. Perwin, of Joel S. Perwin, P.A., in Miami, Florida;
- Peter A. Portley, of Portley and Sullivan, P.A., in Lighthouse Point, Florida;
- David D. Welch, of David D. Welch Law Offices, in Pompano Beach, Florida.

These lawyers are called Class Counsel. The Court has appointed Tod Aronovitz and David D. Welch as Lead Class Counsel.

You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **13. How will the lawyers be paid? What will the nine Class Representatives receive?**

Class Counsel will ask the Court to approve attorneys' fees and expenses of \$2,850,000.00, for the five years of time and effort they have spent on this case. Defendants will pay the fees approved by the Court in the time and manner explained in the Settlement Agreement.

Class Counsel will also ask the Court to approve an incentive award of \$3,000 to each of the Class Representatives for the time and resources they have put into representing you since the case began in 2004.

The Court must approve both the attorneys' fees for Class Counsel and the incentive awards for the Class Representatives. Defendants will pay the approved amounts, and no Class Member will owe or pay anything for attorney's fees, incentive awards or costs.

## OBJECTING TO THE PROPOSED SETTLEMENT

### 14. How do I tell the Court if I don't agree with the Proposed Settlement?

If you are a Class Member, you can object to the Proposed Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object, you must mail your objection letter to "Clerk of the Court, United States District Court, Southern District of Florida, Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, 8th floor, Miami, FL 33128." Your letter must be postmarked by **March 16, 2009**.

Your objection letter must include all of the following:

- The name of the case: *Collier, et al. v. Dickinson, et al*, No. 04-21351-CIV-MARTINEZ-BROWN;
- Your name, address, and telephone number;
- A statement of your objection and a summary of the reasons for your objection;
- Copies of any documents on which you base your objection; and
- A statement of whether you or your lawyer will ask to appear at the final approval hearing to talk about your objections.

If you or your lawyer asks to appear at the final approval hearing, in addition to providing the above information, you must do the following:

- Identify the points you wish to speak about at the hearing;
- Enclose copies of any documents you intend to rely on at the hearing;
- State the amount of time you request for speaking at the hearing; and
- State whether you intend to have a lawyer speak on your behalf.

If you intend to have a lawyer present, your lawyer must enter a written notice of appearance of counsel with the Clerk of Court no later than **March 23, 2009**.

For more information about the final approval hearing, see Questions 15, 16, and 17 below.

Unless you submit a proper and timely written objection, according to these requirements, you will not be allowed to object, appear at the final approval hearing, or appeal the final approval of the Proposed Settlement, the dismissal of the case, the Court's award of attorneys' fees and expenses to Class Counsel, or the Court's incentive awards to the four Class Representatives.

If you want to intervene as a party to the Litigation, you must file a motion to intervene with the Court by **March 9, 2009**.



## THE COURT'S FINAL APPROVAL HEARING

### 15. When and where will the Court decide whether to finally approve the Proposed Settlement?

The Court will hold a final fairness hearing to decide whether to approve the Proposed Settlement. You may attend and you may ask to speak, but you don't have to do either one.

The final fairness hearing will be on **April 15, 2009, at 10:30 a.m.**, before Judge Jose E. Martinez, in the United States District Court for the Southern District of Florida, Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Miami, Florida 33128, in Judge Jose E. Martinez's Courtroom.

**Do not write or call the judge concerning this notice or this case.**

At this hearing, the Court will consider whether the Proposed Settlement is fair, reasonable, and adequate. If there are timely and proper objections, the Court will consider them. The Court will listen to people who have asked for permission to speak at the hearing and complied with the other requirements for objections explained in Question 14.

The Court may also decide how much to award Class Counsel and the Class Representatives. After the hearing, the Court will decide whether to finally approve the Proposed Settlement. There may be appeals after that. We do not know how long these decisions will take.

The Court may change the date of the final fairness hearing without further notice to the Class.

The final approval hearing will be on **April 15, 2009, at 10:30 a.m.**

### 16. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you may attend at your own expense. You may also pay your own lawyer to attend, but it is not necessary.

If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time and complied with the other requirements for a proper objection, the Court will consider it.

### 17. May I speak at the hearing?

You or your lawyer may ask for permission to speak at the final approval hearing. To do so, you must state in your written objection letter that you or your lawyer would like to speak at the hearing. You must also comply with all of the requirements explained in to Question 14.

You cannot speak at the hearing if you do not comply with this procedure.

## **IF YOU DO NOTHING**

### **18. What happens if I do nothing at all?**

You are not required to do anything to get the benefit of the injunctive relief. If the Proposed Settlement is finally approved, you will be bound by the Court's Final Order and the release of claims explained in the Settlement Agreement.

## **GETTING MORE INFORMATION**

### **19. How do I get more information?**

This notice is only a summary of the Proposed Settlement. More details about the Proposed Settlement, the Effective Date, the deadlines, and your options are available in a longer document called the Settlement Agreement.

You can view or print a copy of the Settlement Agreement by visiting the DHSMV webpage at [www.flhsmv.gov/ddl/DPPAInfo.html](http://www.flhsmv.gov/ddl/DPPAInfo.html). The webpage also contains answers to common questions about the Proposed Settlement, plus other information to help you determine whether you are a Class Member. In addition, some of the key documents in the case will be posted on the website.

**DO NOT WRITE OR CALL THE JUDGE OR ANY COURT PERSONNEL CONCERNING THIS LAWSUIT OR NOTICE.**

**Clerk of Court**  
**Steven M. Larimore**  
United States District Court  
Southern District of Florida